

**BEFORE THE STATE BOARD OF MEDIATION
STATE OF MISSOURI**

INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 2,

Petitioner,

v.

DUCKETT CREEK SANITARY
DISTRICT,

Respondent.

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Public Case No. R 2000-059

JURISDICTIONAL STATEMENT

The State Board of Mediation is authorized to hear and decide issues concerning appropriate bargaining units by virtue of Section 105.525 RSMo. 1994. This matter arises from the election petition of International Union of Operating Engineers, Local 2 (hereinafter referred to as the Union) to represent certain employees of the Duckett Creek Sanitary District (hereinafter referred to as the District). In its petition, the Union sought to represent a bargaining unit consisting all employees of the District excluding guards and supervisors. The District objected to a District-wide bargaining unit as inappropriate. A hearing on the matter was held on August 9, 2000, in St. Charles, Missouri, at which representatives of the Union and the District were present. The case was heard by State Board of Mediation Chairman John A. Birch, Employer Member Robert Douglass, and Employee Member Patrick Hickey. At the hearing, the parties were given full opportunity to present evidence and make their arguments. Afterward, the parties filed briefs. After a careful review of the evidence and arguments of the parties, the Board sets forth the following Findings of Fact, Conclusions of Law, Order, and Direction of Election.

FINDINGS OF FACT

The District is a body politic within the State of Missouri. The District is under the control of a Board of Trustees. The Board of Trustees has hired an Executive Director who is responsible for the administration of the District. The District operates a sewage and wastewater collection system and treatment plant. The District must comply with the provisions of the Clean Water Act.

The District has three Divisions: Operations, Engineering, and Administration. The Operations Division is under the supervision and control of the Director of Operations. The Operations Division is further broken down into three sections: Plant Operations, Mechanics, and Field Crew. Plant Operations is under the supervision and control of the Chief Operator. The Chief Operator supervises a Laboratory Technician, and three Operators. The Mechanics are under the supervision and control of the Chief Mechanic. The Chief Mechanic supervises four mechanics. The Field Crew is under the supervision and control of the Field Foreman. The Field Foreman supervises three Field Laborers.

The Engineering Division is under the supervision and control of the Director of Engineering. Contained within the Engineering Division is the Inspection Section. The Inspection Section is under the supervision and control of the Chief Inspector. The Chief Inspector supervises four Inspectors. Also contained within the Engineering Division is the Senior Engineering Assistant position, the GIS Mapping position, the CAD Technician position, and the Engineering Secretary position.¹ These positions answer directly to the Director of Engineering.

The Administration Division is under the supervision and control of the Director of Administration. The Administration Division is further broken down into three sections: Customer Service, Accounts, and the IS section. The Customer Service Section is

¹ At the time of the hearing, the CAD Technician position was vacant.

under the supervision and control of the Customer Service Manager. The Customer Service Manager supervises three Customer Service Representatives.² The Accounts Section is under the supervision and control of the Accounts Supervisor.³ The Accounts Supervisor supervises one Account Payment Clerk. The IS section is under the control of the IS Administrator. The IS Administrator does not supervise any employees.

To ensure that the provisions of the Clean Water Act are met within the territorial limits of the District, construction specifications for the installation of the sewage collection system have been created through the promulgation of rules and regulations. The District is responsible for ensuring that developers adhere to these construction specifications when installing sewer mains in housing subdivisions within the District. Prior to installing a sewage collection system in a subdivision, a developer must seek authority from the District.

The process begins with a developer hiring an engineer to draw up plans for the sewage collection system. The completed plans are submitted to the District for approval. Those plans are reviewed by the plan review group which consists of the Senior Engineering Assistant, the GIS Mapping position, and the CAD Technician. Once the plans have reached the point where they may be approved by the District, the developer must execute all proper agreements, pay the connection fees, and establish a construction escrow account. After the developer has complied with these requirements, the plans are approved and the District issues a construction permit to the developer.

After the District's plan review group has approved a set of plans, the Senior Engineering Assistant gives the plans to the District's Chief Inspector. The Senior Engineering Assistant and Chief Inspector discuss the plans and the Senior Engineering Assistant passes on to the Chief Inspector any special technical information the

² At the time of the hearing, one of the Customer Service Representative positions was vacant.

³ At the time of the hearing, the Account Supervisor position was vacant.

Inspectors will need to know. The Chief Inspector passes this information on to the Inspectors.

The Inspector takes the set of plans out to where the sewage collection system is being constructed. The Inspector inspects all aspects of the construction to ensure that all construction specifications are being met. If a technical problem concerning the construction arises out in the field, the Inspector will make an initial determination concerning the problem. The Inspector will then contact the Senior Engineering Assistant to obtain final approval concerning his initial determination. Additionally, when problems arise the Inspectors may seek technical advice from the Senior Engineering Assistant, the GIS Mapping employee, or the CAD Technician. On rare occasions, the Senior Engineering Assistant may go out into the field with an Inspector to assist with a technical construction problem.

Additionally, the Inspectors are responsible for approving construction escrow releases. They are also responsible for performing a final inspection of the newly constructed sewage collection system prior to acceptance by the District. Once the sewage collection system passes final inspection, the District accepts the new collection system.

Prior to March 2000, all District employees reported to work at the District's Administration and Operations facility located on Greens Bottom Road. In March 2000, the District completed its new Administrative building located approximately eight miles from the old facility. Now, all Engineering Division personnel and Administration Division personnel report to work at the new Administration Building. The Operations Division personnel continue to report to work at the old operations facility on Greens Bottom Road.

Prior to coming to work for the District, the Senior Engineering Assistant was the Construction Coordinator for a developer. As a construction coordinator he built

subdivisions. As the Senior Engineering Assistant he monitors, on paper, the construction of sewage collections systems within the District. The Senior Engineering Assistant works with plans, drawings, permits, and engineers from outside the District. He works from 8:00 a.m. to 5:00 p.m. and gets an hour for lunch. On occasion, he will work overtime. The Senior Engineering Assistant spends ninety-eight percent of his time in the office. Only on rare occasion will it be necessary for the Senior Engineering Assistant to go out in the field or climb down inside of a sewer pipe. He does not wear a uniform.

While the Senior Engineering Assistant monitors construction on paper, the Inspectors monitor construction of the sewage collection system out in the field. There is no formal education or license required to be an Inspector. The Inspector position also requires less than one year of previous construction or construction inspection experience. All of the District's current Inspectors came up through the Operations Division. The vast majority of their training was on-the-job. However, they did take safety courses while in the Operations Division. Additionally, they have taken some courses since becoming Inspectors. Like all of the District's field personnel, the Inspectors wear uniforms. They also carry communication devices called unicators. The Inspectors have District vehicles available to them for use on the job. These vehicles are parked at the lift station across the street from the District's new Administration Building.

The Inspectors normal work hours are from 8:00 a.m. to 4:30 p.m. The Inspectors generally take their lunch around noon each day. However, they do have discretion to start their lunch at any time between 12:00 noon and 12:30 p.m. If they wish to start their lunch outside of this time window, they must get approval from the Chief Inspector. The Inspectors spend approximately two hours per day in the office and approximately six hours per day in the field. The Inspectors work a small amount of

overtime as Inspectors. However, the Inspectors also work overtime for the Operations Division. During 1999, the four Inspectors collectively accounted for 22.5% of the total overtime hours worked by all of the District's field personnel and 24% of the total overtime wages paid by the District to field personnel during the year. The vast majority of this overtime was performed for the Operations Division.

While performing their inspection duties in the field, the Inspectors walk along the trenches in which the sewer pipes are being installed and inspect the installation of the pipes to ensure all construction specifications are being met. The size of the pipe is stamped on the outside of the pipe. In this way, the Inspectors can see that the correct size of the pipe is being installed. In accordance with OSHA regulations, the Inspectors are not permitted to go down into the open trenches. The Inspectors also work with the construction crews, engineers, and developers while on site to answer questions and resolve conflicts. While inspecting for final acceptance of the new sewage collection system by the District, the Inspectors go down into the pipes through the manholes and inspect the inside of the system.

Additionally, Inspectors will at times respond to, and conduct field investigations of, customer complaints such as overflow or odor. They also apply bio-solids to fields within the District. The Inspectors perform dye testing and other miscellaneous activities including meter reading and occupancy checks. They repair sewer system mains and lift stations. At various times, the Inspectors will perform general field labor including the cleaning of sewer lines, replacement of broken sewer lines, shoveling of waste from drying beds, and shoveling of snow and rocks. Finally, the Inspectors assist other utility companies in locating District sewer lines.

In addition to working with construction plans, drawings, and permits, the Inspectors operate sewer cleaning equipment, laboratory equipment, and sewer testing equipment. Additionally, they operate heavy equipment such as land application tractors

and dump trucks. All Inspectors are required to hold a Missouri Class B Driver's License.

The position of Inspector requires a normal level of attention and concentration. Inspectors are exposed to loud noise levels, fumes and airborne particles, and outdoor weather conditions. The Inspectors are frequently required to work in high, dangerous places. Occasionally, the Inspectors are exposed to vibrations, wet and humid conditions, moving mechanical parts, risk of electrical shock, toxic or caustic chemicals, bio-hazardous materials, and explosives. At times, the Inspectors are required to wear respirators.

The District's remaining field personnel are in the Operations Division. When an individual is hired for the Operations Division, he or she generally comes in at an entry-level position. The District places the individual into one of four areas: plant operations, mechanical, field crew, or inspection. The Operators, Mechanics, Field Laborers, and Inspectors are all cross-trained. There is very little specialization among these employees. All Operations Division field personnel wear uniforms.

The Field Laborers are on the field crew. There is no formal training required to be a Field Laborer. However, they do take courses such as safety courses. Additionally, they are required to have a minimum of two to five years of experience in construction, vehicle maintenance, and the operation of heavy equipment. Field Laborers repair, maintain, and clean sewer lines. This function includes concrete removal, repair, and replacement. The Field Laborers restore construction areas by planting grass seed and laying sod. They operate and maintain heavy equipment including land application tractors and dump trucks. The Field Laborers also perform general fieldwork such as responding to sewer back-ups and complaints, and mowing and weeding District property. They respond to emergency calls regarding sewer back-ups, lift station problems, and treatment plant problems. Field Laborers perform

electrical and other maintenance activities according to the maintenance schedule. Additionally, they prepare bio-solids for land application and apply bio-solids to fields within the District. Field Laborers inspect sewer lines to determine the possibility of storm water infiltration. They also communicate with landowners and foster positive public relations with customers and farmers.

At times, the Field Laborers will take meter readings at the treatment plant and lift stations to ensure the equipment is functioning properly. They also, at times, resurface gravel roads, paint buildings and pumps, repair and maintain fences, clean and organize the garage/workshop area, and ensure that all tools are in proper order.

The Field Laborers operate backhoes, dump trucks, grading tractors, lawn mowers, hand and power tools, and sewer cleaning equipment. Each Field Laborer is required to maintain a Missouri Class B Driver's License and a Commercial Driver's License.

The position of Field Laborer requires a normal level of attention and concentration. Field Laborers are exposed to loud noise levels, fumes and airborne particles, and outdoor weather conditions. The Field Laborers are frequently required to work in high, dangerous places. At times, the Field Laborers are exposed to vibrations, wet and humid conditions, moving mechanical parts, risk of electrical shock, toxic or caustic chemicals, bio-hazardous materials, mechanical oils, and extreme heat.

Mechanics perform repairs. For example, the Mechanics would perform needed repairs on the lift stations. Operators assist in plant operations. In order for an individual to be in charge of operating the treatment plant he or she must possess a Class A license issued by the Missouri Department of Natural Resources. Four of the District's employees possess such a license including the Chief Operator and one of the Inspectors.

In recent years, the District has hired outside consultants to study the District's pay structure. Based upon the consultants work, the District has established two different pay grade levels for its field personnel. Inspectors, Field Laborers, and Operators are all on the same pay grade, Grade Level 6. In comparison, Mechanics are on pay Grade Level 7.

Customer complaints are handled in one of two ways. During normal working hours, customer complaints are received by the District's Receptionist and forwarded to the Operations Division. Outside normal working hours, customer complaints are received by the District's answering service. The answering service then beeps the Districts two on-call employees. If the on-call employees respond to a customer complaint, they are paid overtime. If they are on the clock at the time they respond to the complaint, they receive time and a half. If they are not on the clock at the time they respond to the complaint, they receive double time. The on-call employees remain on call for a week at a time.

There is an on-call list of District employees. The Laboratory Technician, Operators, Mechanics, and Inspectors are on the on-call list. In contrast, the Senior Engineering Assistant, the GIS Mapping employee, and the CAD Technician are not on the on-call list. They work no overtime for the Operations Division. On Wednesday of each week an employee meeting is held to determine which employees will carry the on-call beeper and the backup on-call beeper. The list is first examined to determine which employees are scheduled to be on call that week. Those employees must carry the on-call-beepers unless other employees volunteer to be on call that week.

Generally, both on-call employees will respond to a customer complaint. For example, if a customer complains of an odor, the on-call employees would respond and lamp the line. This would entail one employee going down the manhole on one end of the line with a flashlight and the other employee going down the manhole on the other

end of the line with a mirror. The light would be shined down the line to determine if there is a blockage. If the line does not lamp, the two on-call employees would go to the Operations facility on Greens Bottom Road and get the District's hydroflush vehicle. The on-call employees would use the hydroflush vehicle to clear the line.

Since the Inspectors work on call for the Operations Division, they have keys to the Operations facility on Greens Bottom Road. The keys for all of the Operations Division's vehicles are stored at that facility. If the Inspectors are working on call for the Operations Division and need to speak to a supervisor, they generally call the Chief Inspector. The Chief Inspector will, in turn, contact the Field Foreman or the Director of Operations.

Over the years, the District has hired outside consultants to study the District's organizational structure. The District's current organizational structure is an outgrowth of the consultants' work. Although the consultants found an overlap between the Inspector position and the Field Laborer position, the Inspectors were placed in the Engineering Division. However, the Inspectors perform duties for both the Engineering Division and the Operations Division. Finally, there is no history of collective bargaining within the District and no District personnel are presently represented by a union.

CONCLUSIONS OF LAW

In its petition, the Union sought to represent a bargaining unit consisting of all employees of the District excluding guards and supervisors. The District objected to the District-wide bargaining unit as inappropriate. At the hearing, the parties entered into five stipulations. First, the parties stipulated that the Executive Director, Director of Operations, Director of Engineering, Director of Administration, Chief Operator, Chief Mechanic, Field Foreman, Chief Inspector, Customer Service Manager, Account Supervisor, and IS Administrator were either managers or supervisors and therefore,

excluded from any bargaining unit.⁴ Second, the parties stipulated that the Senior Engineering Assistant position, the GIS Mapping position, and the CAD Technician position could possibly constitute a professional bargaining unit and were, therefore, subject to the Globe election procedure.⁵ Third, the parties stipulated that the three Customer Service Representative positions and the Account Payment Clerk shared a community of interest and should be included in a separate bargaining unit which the parties referred to as the inside unit (hereinafter referred to as the “office unit”).⁶ Should the Senior Engineering Assistant, the GIS Mapping employee, and the CAD Technician vote not to have a separate professional bargaining unit, they will also be in the office unit. Fourth, the parties stipulated that the Laboratory Technician position, the three Operator positions, the four Mechanic positions, and the three Field Laborer positions shared a community of interest and should be included in a separate bargaining unit which the parties referred to as the outside unit (hereinafter referred to as the “field unit”). Finally, the parties stipulated that the Engineering Secretary position, with the duties currently assigned to that position, was not a confidential employee position and that the position should be included in the office unit. Given the parties’ stipulations, the only question for decision by the Board herein is whether the four Inspector positions should be included in the office unit or the field unit. As the petitioning party, the Union bears the burden of proof. *Central County Emergency 911 v. International Association of Firefighters Local 2665*, 967 S.W2d 696 (Mo. App. W.D. 1998).

This Board is charged with deciding issues concerning appropriate bargaining units by virtue of Section 105.525 RSMo. 1994 which provides that “Issues with respect to appropriateness of bargaining units and majority representative status shall be

⁴ At the time of the hearing, the Account Supervisor position was vacant.

⁵ At the time of the hearing, the CAD Technician position was vacant.

⁶ At the time of the hearing, one of the Customer Service Representative positions was vacant.

resolved by the State Board of Mediation.” An appropriate bargaining unit is defined in Section 105.500(1) RSMo. 1994 as:

A unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned.

Missouri statutory law does not provide further guidelines for determining what constitutes a “clear and identifiable community of interest” nor does it set out any criteria as to the means to be used by the Board in resolving such issues. However, the Board has consistently looked to a number of factors in determining whether employees have a community of interest. Those factors, as set forth in *City of Poplar Bluff v. International Union of Operation Engineers, Local 2, AFL-CIO*, Public Case No. UC 90-030 (SBM 1990) are:

1. Similarity in scale or manner of determining earnings.
2. Similarity in employment benefits, hours of work, and other terms and conditions of employment.
3. Similarity in the kind of work performed.
4. Similarity in the qualifications, skills, and training of employees.
5. Frequency of contact or interchange among the employees.
6. Geographic proximity.
7. Continuity or integration of production processes.
8. Common supervision and determination of labor-relations policy.
9. Relationship to the administrative organization of the employer.
10. History of collective bargaining.
11. Extent of union organization.

Based upon the evidence in the record, the Inspectors share a community of interest with the employees in the field unit and should therefore be included in the field bargaining unit.

As to the similarity in scale or manner of determining wages, the Inspectors, Field Laborers, and operators are all on the same pay grade level, Grade Level 6. The Mechanics are on pay Grade Level 7. There was no evidence presented as to the pay grade levels of the Senior Engineering Assistant position, the GIS Mapping position, the CAD Technician position, the Customer Service Representative positions, or the Account Payment Clerk position.

Additionally, the Laboratory Technician, Operators, Mechanics, Field Laborers, and Inspectors are all on the on-call overtime list for the Operations Division. All of these positions work overtime for the Operations Division. The Senior Engineering Assistant position, the GIS Mapping position, the CAD Technician position, the Customer Service Representative positions, and the Account Payment Clerk position are not on the on-call overtime list for the Operations Division. They work no overtime for that Division.

There was no evidence presented concerning employee benefits. There was evidence presented that the Senior Engineering Assistant works from 8:00 a.m. to 5:00 p.m. There was also some evidence presented that the Inspectors' regular work hours are from 8:00 a.m. to 4:30 p.m. There was no evidence concerning the regular work hours of the other employees in the stipulated bargaining units. As to employment conditions, the Senior Engineering Assistant works in the office ninety-eight percent of the time. The Inspectors work in the office two hours per day and in the field six hours per day. In the field, the Inspectors work under substantially the same conditions as the District's other field personnel. The working conditions of the Inspectors in the field and Field Laborers are virtually identical. Additionally, the Operators, Mechanics, Field Laborers, and Inspectors all wear uniforms.

There was no evidence presented as to the work performed by the Customer Service Representative positions, the Account Payment Clerk, or the Engineering

Secretary. There was very little evidence presented as to the work performed by the Laboratory Technician, Operators, and Mechanics. The Senior Engineering Assistant position, GIS Mapping position, and CAD Technician position, approve construction plans and provide technical advice when necessary. The Inspectors do not approve construction plans. They monitor the construction in the field and perform other duties substantially similar to those performed by the Field Laborers.

There is substantial similarity in the qualifications, skills, and training of the Inspectors and Field Laborers. No formal training is required to be either an Inspector or Field Laborer. The Inspector position requires less than one year of previous construction or construction inspection experience. In comparison, the Field Laborer position requires a minimum of two to five years of experience in construction, vehicle maintenance, and the operation of heavy equipment. All of the District's current Inspectors came up through the Operations Division. Lastly, the Operators, Mechanics, Field Laborers, and Inspectors are all cross-trained.

There was evidence that the Senior Engineering Assistant has daily contact with the Inspectors. There was no further evidence presented concerning contact between District employees.

The Administration Division employees and the Engineering Division employees report to work at the District's new Administration Building. The Operations Division employees report to work at the District's operations facility on Greens Bottom Road which is approximately eight miles from the new Administration Building. However, the Inspectors spend only two hours per day in the office. The Inspectors spend six hours per day in the field along with the District's other field personnel.

As to the continuity or integration of production processes, the Inspectors perform duties for both the Engineering Division and the Operations Division. The Inspectors perform field inspections on new collection system installations and repairs.

However, the Inspectors also perform work substantially similar to that performed by the Field Laborers.

In terms of immediate supervisors, there is very little common supervision among the employees in question. The Inspectors' immediate supervisor is the Chief Inspector. The Senior Engineering Assistant position, the GIS Mapping position, the CAD Technician position, and the Engineering Secretary position answer directly to the Director of Engineering. The Chief Operator supervises the Laboratory Technician, and the Operators. The Mechanics are under the supervision of the Chief Mechanic. The Field Foreman supervises the Field Laborers. The Customer Service Manager supervises the Customer Service Representatives. Lastly, the Accounts Supervisor supervises the Account Payment Clerk.

As to the Inspectors' relationship to the District's administrative organization, officially, under the District's current organizational chart, the Inspectors have been placed within the Engineering Division. However, functionally, the Inspectors are considered by the District to be field personnel. The District's current organizational chart was not developed along functional lines.

Finally, there is no history of collective bargaining within the District and no District employees are currently represented by a union.

Despite the parties' stipulations at the hearing, the Union in its brief continues to maintain that a District-wide bargaining unit is appropriate. However, there was virtually no evidence presented at the hearing concerning the Engineering Secretary, the Customer Service Representatives, and the Account Payment Clerk. Furthermore, there was very little evidence presented concerning the Laboratory Technician, the Operators, the Mechanics, the GIS Mapping position, and the CAD Technician. Given this lack of evidence, the Board could not find that a District-wide bargaining unit was appropriate.

The Union also maintains that the Inspectors should be included in the office bargaining unit. At the hearing, the parties stipulated that the office bargaining unit would be composed of the Engineering Secretary, the Customer Service Representatives, and the Account Payment Clerk. However, as noted above, virtually no evidence was presented at the hearing concerning these positions. There is no evidence from which the Board could find that the Inspectors share a community of interest with the Engineering Secretary, the Customer Service Representatives, and the Account Payment Clerk.

There was some evidence of interaction between the Inspectors and the Senior Engineering Assistant and the GIS Mapping employee. However, at the hearing the parties stipulated that the Senior Engineering Assistant position, the GIS Mapping position, and the CAD Technician position, could comprise a separate professional bargaining unit. The parties further stipulated that the Senior Engineering Assistant position, the GIS Mapping position, and the CAD Technician position would be subject to the Globe election procedure. The Inspectors clearly are not professional employees.

Therefore, based upon the record before it, the Board holds that the Inspectors share a clear and identifiable community of interest with the Field Laborers, the Mechanics, the Operators, and the Laboratory Technician. In accordance with the Board's holding, the Inspectors will be included in the field bargaining unit.

ORDER

The Board finds that:

1. In accordance with the parties' stipulation, the Executive Director, Director of Operations, Director of Engineering, Director of Administration, Chief Operator, Chief Mechanic, Field Foreman, Chief Inspector, Customer Service Manager, Account Supervisor, and IS Administrator are either managers or supervisors and therefore, excluded from any bargaining unit.

2. In accordance with the parties' stipulation, the Senior Engineering Assistant position, the GIS Mapping position, and the CAD Technician position could constitute a professional bargaining unit and are, therefore, subject to the Globe election procedure. Should the Senior Engineering Assistant, the GIS Mapping employee, and the CAD Technician vote not to have a separate professional bargaining unit, they will be included in the office bargaining unit.

3. In accordance with the parties' stipulation, the Customer Service Representative positions and the Account Payment Clerk share a community of interest and are included in the office bargaining unit.

4. In accordance with the parties' stipulation, the Laboratory Technician position, the Operator positions, the Mechanic positions, and the Field Laborer positions share a community of interest and are included in the field bargaining unit.

5. In accordance with the parties' stipulation, the Engineering Secretary position, with the duties currently assigned to that position, is not a confidential employee position. Furthermore, the Engineering Secretary position shares a community of interest with the Customer Service Representative positions and the Account Payment Clerk and therefore is included in the office unit.

6. That the Inspectors share a clear and identifiable community of interest with the Field Laborers, the Mechanics, the Operators, and the Laboratory Technician. Therefore, the Inspectors are included in the field bargaining unit.

7. That the bargaining units as set forth herein are appropriate bargaining units.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation, or its designated representative, among the employees in the aforementioned bargaining units, as early as possible, but no later than 30 days from the date below. The exact time and place will be set forth in the notice of election to be

issued subsequently, subject to the Board's rules and regulations. The employees eligible to vote are those in the units who were employed during the payroll period immediately preceding the date below, including employees who did not work during the period because of vacation or illness. Those employees ineligible to vote are those who quit or were discharged since the designated payroll period and who have not been rehired or reinstated before the election. Those eligible to vote shall vote whether or not they desire to have the International Union of Operating Engineers, Local 2 as their exclusive bargaining representative. Furthermore, since the Senior Engineering Assistant position, the GIS Mapping position, and the CAD Technician position are subject to the Globe election procedure, they will cast two ballots. Those individuals will cast one ballot to vote whether or not they desire a separate professional bargaining unit. They will cast a second ballot to vote whether or not they desire to have the International Union of Operating Engineers, Local 2 as their exclusive bargaining representative.

The District shall submit to the Chairman of the State Board of Mediation, within fourteen calendar days from the date of this decision, an alphabetical list of names and addresses of employees in the aforementioned bargaining units who were employed during the payroll period immediately preceding the date of this decision.

Signed this 25th day of September, 2000.

STATE BOARD OF MEDIATION

(SEAL)

/s/ John A. Birch
John A. Birch, Chairman

/s/ Patrick Hickey
Patrick Hickey, Employee Member

/s/ Robert Douglass
Robert Douglass, Employer Member